



Fair Political Practices Commission

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NEWS ADVISORY

For Immediate Release:
November 20, 2003

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Court hearing on motion to dismiss Prop. 54 disclosure suit Friday

A hearing on a motion to dismiss a lawsuit filed by the Fair Political Practices Commission against the American Civil Rights Coalition (ACRC) and its CEO, Ward Connerly, for violating campaign disclosure laws, **will be held at 9 a.m. tomorrow (Friday, Nov. 21), before Sacramento Superior Court Judge Thomas M. Cecil.**

In a “tentative ruling” posted today (Nov. 20) on the court’s website -- www.saccourt.com/courtrooms/trulings/dept54/nov21d54.tr -- the judge indicates he will deny the ACRC motion to strike because ACRC did not set the hearing date in a timely manner, and because the motion to strike does not apply to an FPPC enforcement action. He also indicates in the tentative ruling that the enforcement action is not unconstitutional, as contended by ACRC. The tentative ruling is not the court’s final ruling.

Note to Editors: Tomorrow’s hearing will be in Department 54, at 800-9th St., across the street from the main Sacramento County Courthouse.

The FPPC alleged in its Sept. 3 lawsuit that ACRC and Connerly violated disclosure laws by failing to file campaign statements reporting the source of almost \$2 million contributed to promote passage of Prop. 54, which was defeated in the November recall election. The judge earlier declined to issue a preliminary injunction before the election, as the FPPC requested.

The FPPC contends that ACRC contributed more than \$1.9 million to the Proposition 54 committee since 2001 – or approximately 88 percent of all of the contributions received by the committee. Based on information the commission received from Connerly, the FPPC contends ACRC received the contributions from various donors. The organization is required by the Political Reform Act to disclose in campaign reports the identities of those donors. ACRC and Connerly have refused to file statements disclosing these contributors, leaving voters without any information about who financed the campaign in behalf of the initiative.

“Timely disclosure is the backbone of the Political Reform Act,” said Commission Chair Liane Randolph. “Voters have a basic right to know who is funding political campaigns.” Steven Russo, chief of the FPPC’s Enforcement Division, said ACRC and Connerly left the agency “with no other option” than to file suit to compel their compliance with the law, after efforts to seek voluntary compliance were unsuccessful.

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The FPPC investigation was in response to a 2002 complaint by Common Cause and other organizations against ACRC.

**Legal documents in the case are available on the FPPC Web site at *www.fppc.ca.gov*.
Go to “litigation” on the left side of the home page.**

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